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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,455	04/24/2001	Sung Lyong Lee	Q62057	1907

7590 12/29/2005
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EXAMINER

SHAPIRO, LEONID

ART UNIT PAPER NUMBER

2677

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,455

Applicant(s)

LEE, SUNG LYONG

Examiner

Leonid Shapiro

Art Unit

2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3, 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock et al (US Patent no. 6,229,524 B1) in view of Miyamoto (JP56181365) and Ohyama et al. (US Patent NO. 5,751,373).

As to claim 3, Chernock et al. teaches an OSD image display apparatus (See Fig. 2, item 1, Col. 1, Lines 4-10 and Col. 4, Lines 54-56), comprising: an OSD source remote controller for generating a cursor display command on a screen (See Fig. 3, items 1-12, tab, enter, options, Col. 5, Lines 54-67); an OSD source for initially transmitting OSD cursor display data (See Fig. 2, items Frame 1, 30,40,50,60, See Col. 5, Lines 43-54), a display apparatus for storing OSD cursor display data transmitted by the OSD source in the memory (See Col. 4, Lines 46-63), and displaying the cursor display data on the screen by reading the cursor display data stored in the memory in response to the cursor display location information (See Fig. 2, items Frame 1, 30,40,50,60, Col. 5, Lines 43-54), a storage device for setting display information indicating that the OSD source is a product which can store OSD cursor display data provided from the display apparatus (See Fig. 2, item 60, in description See Col. 5, Lines 54-67 and Col. 4, Lines 54-63).

Chernock et al. teaches to reposition the cursor from one hot spot to another using the tab key or arrow keys (See Fig. 2, items Frame 1, 30,40,50,60, in description from See Col. 5, Lines 56 to Col. 6, Line 20).

Chernock et al. does not show transmitting only cursor display location information.

Miyamoto teaches transmitting only cursor display position information on digits of cursor (See Constitution in the Abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate teaching of Miyamoto into Chernock et al. system in order to implement blinking control over the cursor display (See Purpose in Abstract in Miyamoto reference).

Chernock et al. and Miyamoto do not teach a storage device is a register.

Ohyama et al. teaches a storage device is a register (See Fig. 1 , items 11, 16, Col. 8, Lines 57-67).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the storage device as a register as shown by Ohyama et al. in Chernock et al. and Miyamoto apparatus in order to select function of a television receiver rapidly by transferring cursor information (See Col. 1, Lines 60-65 and Col. 8, Lines 57-67 in Ohyama et al. reference).

As to claim 7, Chernock et al. teaches an MPEG source for supplying an MPEG transport stream to the display apparatus (See Fig. 1, items 100, 160,170, in description See Col. 5, Lines 1 1-22)., an OSD generator display data in digital format

(See Col. 4, Lines 38-45); a controller for controlling the MPEG source and OSD generator (See from Col. 4, Line 64 to Col. 5, Line 10).

Chernock et al. does not show an OSD generator for generating display data in bitmap format. Since advantages of using bitmap format were not shown, it would have been obvious to one of ordinary skill in the art at the time of invention to implement an OSD generator for generating display data in bitmap format in Chernock et al. apparatus in order to provide the user with a simple interface to navigate a cursor among current hot spots (See from Col. 2, Line 67 to Col. 3, Line 1 in Chernock et al. reference).

As to claim 8, Chernock et al. teaches a command input pad for receiving a command signal from the OSD source remote controller and providing the command signal to the controller (See from Col. 4, Line 64 to Col. 5, Line 10).

As to claim 9, Chernock et al. teaches an Mpeg decoder for decoding an MPEG transpod stream and outputting image data (See Fig. 1, items 100, 160, 170, in description See Col. 5, Lines 1-22), a buffer for buffering OSD data (See Col. 4, Lines 46-64), an overlapper for overlapping the image data and OSD data and providing overlapped data to the screen (See Col. 4, Lines 54-49); a controller for controlling the MPEG decoder, the buffer, the overlapper, the memory, and the screen (See Fig. 1, items 100, 160, 170, in description See Col. 5, Lines 3-22).

As to claim 10, Chernock et al. teaches a display apparatus remote controller (See from Col. 4, Line 64 to Col. 5, Lines 22).

As to claim 11 Chernock et al. teaches a command input part for receiving a

command signal from the display apparatus remote controller (as part of controller) and providing the command signal to the controller (See Col. 5, lines 4-22).

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chernock et al., Miyamoto and Ohyama et al. as applied to claim 3 above, and further in view of Inoue (US Patent No. 6, 496, 896).

Chernock et al., Miyamoto and Ohyama et al. do not show the register as an output asynchronous plug register.

Inoue teaches Count register with the plug structure of asynchronous communication (See Fig. 53, items Transmission and Reception Sides, Col. 58, Lines 12-19).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the storage device as an output asynchronous plug register as shown by Inoue in Chernock et al., Miyamoto and Ohyama et al. apparatus in order to comply to standard communication format (See Col. 1, Lines 13-15 in Inoue reference).

Response to Arguments

3. Applicant's arguments filed on 09.29.05 have been fully considered but they are not persuasive:

On pages 2-4 in relation to rejection of claim 3, Applicant's stated that there is no motivation to combine Miyamoto with Chernock because of improved efficiency of CPU, as disclosed in Purpose portion of Abstract. However, Miyamoto also stated in

Purpose portion of Abstract to perform independent blinking control over the cursor display, which is strong suggestion to combine with Chernock reference, teaching controller for generating a cursor display.

On page 3, 2nd paragraph Applicant's stated that Miyamoto does not even use a video display. However, there no "video display" limitation in the independent claim 3.

On the same page, in the same paragraph Applicant's stated that Miyamoto is not analogous art. In response to applicant's argument that Miyamoto is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, a Miyamoto reference in the field of applicant's endeavor and also reasonably pertinent to the particular problem with which the applicant was concerned.

On the same page, in the same paragraph Applicant's stated that Miyamoto was published 20 years ago. In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
12.14.05

AMR A. AWAB
PRIMARY EXAMINER
